THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 34102 OF 1998

Dated 18th April, 2007

Between:

Sri Mirza Ahmed Baig.

…Petitioner

And

Gram Panchayat, Khajipalli, Jinnaram Mandal, represented by its Sarpanch and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks issuance of a writ of mandamus declaring the action of the respondents in interfering with the working of the quarry lease granted in Survey No.181 of Khajipalli village, Jinnaram Mandal, Medak District as illegal and arbitrary.

The petitioner obtained a quarry lease over an extent of 7.00 Hectares in Survey No.181 of Khajipalli village, Jinnaram Mandal, Medak District. It is the case of the petitioner that though the lease is granted for a period of 15 years and is subsisting the respondents are interfering with the quarrying operations.

Counter-affidavit is filed by the Forest Range Officer on behalf of the respondents, wherein, it is stated that the land in Survey No.181 of Khajipalli village was initially a government poromboke land. But, however, the respondents have notified an extent of 1203.5 acres of land in Survey No.181 out of the total area of Ac.1543.35 under Section 29 of the Andhra Pradesh Telangana Area Forest Act, 1355 Fasli. It is also stated that, subsequently, there was also notification under the provisions of the A.P. Forest Act. It is stated that as much as it was found that the petitioner was quarrying basing on the orders issued by the Deputy Director of Mines in the notified forest area, he was advised to stop the quarrying. It is further stated that in view of the provisions of the Forest Conservation Act, the petitioner is not entitled to use the reserve forest area for any non-forest purposes. In the counter-affidavit, respondents have also stated that the directions were issued by the Apex Court to the Forest Department to seize the non-

forest activity within the notified forest area.

Though there is a lease granted to the petitioner from the Mines and Geolory Department in Survey No.181, but, however, as it is stated that the said area falls within the notified forest area under the provisions of the Andhra Pradesh Forest Act, the petitioner is not entitled to operate quarry operations. Any permission to allow quarrying operations in Survey No.181 of Khajipalli village of Jinnaram Mandal, which is notified as a forest area under the provisions of the A.P. Forest Act will be in violation of the provisions of the Forest Conservation Act, 1980. It is stated that the petitioner was asked to stop the quarrying in the reserve forest area and the said instructions of the Forest Department are in consonance with the provisions of the Forest Act and the directives of the Apex Court.

In that view of the matter, I do not find any illegality in the instructions of the Forest Department and no relief as prayed for can be granted in this writ petition. The writ petition is dismissed. No costs.

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18-4-2007

R.SUBHASH REDDY, J.

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